

REMARKS

I. Introduction

With the addition of new claims 25 to 31, claims 13 to 31 are pending in this application.

Applicants thank the Examiner for the acceptance of all priority claims and for considering the previously filed Information Disclosure Statements, PTO-1449 papers and cited references.

In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

II. Rejection of Claims 13, 14, 16, and 18 to 24 under 35 U.S.C. §103(a)

Claims 13, 14, 16, and 18 to 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,371,858 to Miller et al. ("Miller").

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Also, as clearly indicated by the Supreme Court in *KSR*, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Amended independent claim 11 recites a method for adaptation of a function for controlling an operating sequence of a control unit, the function accessing at least one global variable of at least one program for control. The method further provides: **determining a breakpoint in the at least one program, wherein the determination is based on a comparison at least one of (1) between an address of the control unit and a register content loaded by a load instruction and (2) between the address of the control unit and a destination address of a store instruction**, assigning the global variable address information which is present in at least one memory device, loading the memory device the address information of the global variable by at least one load instruction, and replacing the address information of the global variable with one of the store instruction and the load instruction.

Although the Examiner refers to various portions of Miller as assertedly disclosing features recited in claim 13, the cited portions of Millers merely concern data communications in a data communication network, and the cited portions are not related to a method for adaptation of a function for controlling an operating sequence of a control unit recited in claim 13. More particularly, the cited portions of Miller do not disclose or suggest **determining a breakpoint in the at least one program, wherein the determination is based on a comparison at least one of (1) between an address of the control unit and a register content loaded by a load instruction and (2) between the address of the control unit and a destination address of a store instruction**, as recited claim 13. For example, text at the cited section of col. 32, lines 12 to 33 of Miller merely discloses assigning an address to data terminals, but the cited section does not disclose determining a **breakpoint** in at least one program, or disclose **the determination is based on a comparison at least one of (1) between an address of the control unit and a register content loaded by a load instruction and (2) between the address of the control unit and a destination address of a store instruction**. The breakpoint, as explained in the specification of the present application, describes “the location in a software function where the content of a control unit variable is not described by the software program, but instead is described via detours.” (See, Substitute Specification, page 2, lines 20 to 24).

Accordingly, for above reasons, claim 13 and its dependent claims 14, 16, 18, and 19 are allowable over Miller. Independent claims 20, 22, 23 and 24 include substantially

similar features as claim 13, and therefore claims 20, 22, 23 and 24 (as well as dependent claim 21) are allowable for the same reasons as claim 13.

III. Rejection of Claims 15 and 17 under 35 U.S.C. §103(a)

Claims 15 and 17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Miller in view of U.S. Patent No. 4,530,052 to King et al. ("King").

Claims 15 and 17 ultimately depend from claim 13. As noted above, Miller does not render parent claim 13 unpatentable. Furthermore, the secondary King reference does not cure or allege to cure the critical deficiencies of the primary Miller reference as applied against claim 13. Therefore, dependent claims 15 and 17 are allowable over the combination of Miller and King.

IV. New Claims 25 to 31

New claims 25 to 31 do not add new matter and are wholly supported by the application as originally filed. New claim 25 and its dependent claims 26 to 31 include substantially similar features as claim 13, and therefore claims 25-31 are allowable for at least the same reasons as claim 13.

Independent of the above, new claim 25 recites **modifying at least one of the load instruction and the store instruction based on at least one of a length of the load instruction, a length of the store instruction, a type of addressing, and a type of store instruction**. The overall teachings of Miller and King do not disclose or suggest this claimed feature. Therefore, claim 25 and its dependent claims 26 to 31 are allowable for these additional reasons.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all pending claims 13 to 31 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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